

Exhibit 7

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NEW YORK
3
4 -----
5 **BLACK LOVE RESISTS IN THE RUST, et al.,**
6 **individually and on behalf of a class of**
7 **all others similarly situated,**

8 Plaintiffs,

9 - vs - 1 :18-cv-00719-CCR

10 CITY OF BUFFALO, N.Y., et al.,

11 Defendants.
12 -----
13 DEPOSITION OF JOSEPH GRAMAGLIA

14 Taken pursuant to Rule 30(b)(6)
15 of the Federal Rules of Civil Procedure

16 APPEARING REMOTELY FROM
17 BUFFALO, NEW YORK

18 January 24th, 2024

19 At 2:15 p.m.

20 Pursuant to notice

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR (NY)

23

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
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1 **R E M O T E A P P E A R A N C E S**

2 APPEARING FOR THE PLAINTIFFS:

3 **COVINGTON & BURLING, LLP**
4 **BY: JORDAN JOACHIM, ESQ.,**
5 620 Eighth Avenue
6 New York, New York 10018
7 (212) 841-1086

8 APPEARING FOR THE DEFENDANTS:

9 **HODGSON RUSS, LLP**
10 **BY: ADAM W. PERRY, ESQ.**
11 **AND CHEYENNE N. FREELY, ESQ.,**
12 140 Pearl Street
13 Buffalo, New York 14202
14 (716) 856-4000

15 ALSO PRESENT:

16 **ANDREW TIMMICK, ESQ.,**
17 Covington & Burling, LLP

18 **A. CHINYERE EZIE, ESQ.,**
19 Center for Constitutional Rights

20 **ANJANA MALHOTRA, ESQ.,**
21 National Center for Law
22 and Economic Justice

23 **CLAUDIA WILNER, ESQ.,**
24 National Center for Law
25 and Economic Justice

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1 to the best of their ability on that -- in
2 response to that?

3 A. It's a mandatory field. They cannot validate
4 that form and print it out without putting
5 something in the box.

6 Q. Are officers asked to fill out that -- to fill
7 in race on that form to the best of their
8 ability?

9 A. Yes, if they can.

10 Q. I'd like to show Exhibit 50. This is the
11 Buffalo Police Department rules and
12 regulations. Do you see that?

13 A. I do.

14 Q. And is it your position that -- and by the
15 way, this is the rules and regulations prior
16 to the MOP update we were previously
17 discussing, right?

18 A. Yes.

19 Q. And you testified that there is provisions
20 that prohibit racial bias; is that right?

21 MS. FREELY: Objection to form.

22 A. Yes.

23 Q. Do you recall, looking at the table of

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1 contents, what part of the rules and
2 regulations?

3 A. Well, you can go to Section 2.12.

4 Q. Do we have the whole thing here? Okay. 2.12.

5 A. Attitude and impartiality.

6 Q. Does that say anything about racial bias or
7 discrimination?

8 MS. FREELY: Objection to form.

9 A. It doesn't say it specifically, but it --
10 employees while vigorous and unrelenting in
11 their enforcement of law must maintain a
12 strictly impartial attitude toward
13 complainants, violators, witnesses and
14 suspects.

15 Q. So that doesn't say anything about racial bias
16 or discrimination, correct?

17 MS. FREELY: Same objection.

18 A. Well, impartial attitude means you shall have
19 an impartial attitude across the board, so
20 it's kind of a larger umbrella over that.

21 Q. Are there any other provisions of these rules
22 and regulations you believe prohibit racial
23 bias or discrimination?

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1 A. Conduct, Section 3.2.

2 Q. Does this provision say anything about racial
3 bias or discrimination?

4 MS. FREELY: Objection to form.

5 A. It doesn't say those exact words but, again,
6 it's an overarching umbrella that covers
7 everything, all of that, how you are to
8 conduct yourself.

9 Q. Any other provisions you're aware of?

10 A. No. Those are the two main overarching
11 umbrellas that -- we would use conduct as
12 really much more widely used. When doing
13 charges that there was to be a violation of
14 the Manual of Procedures or the rules and
15 regulations conduct would be the overarching
16 charge that almost always gets added on,
17 depending on the conduct.

18 That would include if there were
19 anything related to what we're discussing here
20 or any types of racial bias.

21 Q. And why did you choose to make the prohibition
22 on racial discrimination explicit in the MOP
23 update from 2021?

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3

4 I, Rebecca Lynne DiBello, CSR, RPR, Notary
5 Public, in and for the County of Erie, State of
6 New York, do hereby certify:

7

8 That the witness whose testimony appears
9 hereinbefore was, before the commencement of
10 their testimony, duly sworn to testify the
11 truth, the whole truth and nothing but the
12 truth; that said testimony was taken pursuant
to notice at the time and place as herein set
forth; that said testimony was taken down by me
and thereafter transcribed into typewriting,
and I hereby certify the foregoing testimony is
a full, true and correct transcription of my
shorthand notes so taken.

13

14 I further certify that I am neither counsel
15 for nor related to any party to said action,
nor in anyway interested in the outcome
thereof.

16

17 IN WITNESS WHEREOF, I have hereunto
18 subscribed my name and affixed my seal this
19 4th day of February, 2024.

20

21 
Rebecca L. DiBello

22

23 Rebecca Lynne DiBello, CSR (NY)
Notary Public - State of New York
No. 01D14897420
Qualified in Erie County
My commission expires 5/11/2027

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